

ENTERED

July 21, 2021

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISIONRICHARD SCOTT SHAFER, *et al*,

Plaintiffs,

VS.

MICHAEL RUTLEDGE, *et al*,

Defendants.

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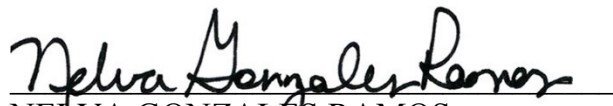
CIVIL ACTION NO. 2:21-CV-040

ORDER REGARDING REQUEST TO REINSTATE

The Court dismissed this action without prejudice for failure to prosecute in a final judgment dated May 4, 2021. D.E. 21, 22. Underlying that decision was Petitioner's failure to pay the \$400 filing fee after his application to proceed *in forma pauperis* was denied. On May 7, Petitioner filed objections to the dismissal and a declaration, accompanied by evidence that he had requested a withdrawal from his prisoner trust fund to pay the filing fee but that it had been delayed by the Texas Department of Criminal Justice through no fault of his own. D.E. 24, 25; *see also* D.E. 31.

The Court construes the objections as a motion for new trial under Federal Rule of Civil Procedure 59(a). After due consideration, the Court **CONDITIONALLY GRANTS** the motion and **ORDERS** that Petitioner may reinstate this action by appropriate motion and payment of the filing fee **on or before August 31, 2021**.

ORDERED this 20th day of July, 2021.


 NELVA GONZALES RAMOS
 UNITED STATES DISTRICT JUDGE